

**Notice of Allowability**

Application No.

10/669,894

Examiner

Uyen-Chau N. Le

Applicant(s)

SOULE ET AL.

Art Unit

2876

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview on 10/25/07.
2. ☒ The allowed claim(s) is/are 13-18, 47-54, 69-85, 90-94 and 96.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20071027</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dmitry Andreev on 25 October 2007 in order to place the instant application in the proper form for an allowance (i.e., to have proper support) by amending claims 13, 47 and 52 in accordance to the discussion during the interview on 16 October 2007 and cancelling claims 86-89 and 95 without prejudice and/or traverse.

The application has been amended as follows:

Re claim 13, line 6: Substitute "and a command" with -- encoding into said at least one symbol a command --.

Re claim 47, line 3: Substitute "receiving information" with -- receiving from a user information --.

Re claim 47, line 4: Substitute "receiving information" with -- receiving from a user information --.

Re claim 52, lines 6-7: Substitute "an encoder encoding a set of bar codes in accordance with said input information" with -- an encoder encoding said input information including said destination directory into a set of bar codes --.

Re claims 86-89: Please cancel claims 86-89 without prejudice or disclaimer.

Re claim 95: Please cancel claim 95 without prejudice or disclaimer.

*Allowable Subject Matter*

2. Claims 13-18, 47-54, 69-85, 90-94 and 96 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Knowles et al discloses a symbol generator system for encoding a URL into a barcode symbol but is silent with respect to encoding a formatted file and encoding a command into the barcode symbol, or encoding input information including destination directory designating a storage location for data produced by decoding of a symbol.

Antognini et al discloses a symbol generator system for encoding a formatted file into a barcode symbol but is silent with respect to encoding a command into the barcode symbol.

Hashimoto et al discloses a symbol generator system for automatically determining the number of barcode symbols to be encoded based on the character string data but is silent with respect to receiving the number of barcode symbols entered by a user via data input area of the user interface.

Barile et al discloses a symbol generator system for encoding configuration data/file into a barcode symbol but is silent with respect to encoding a command into the barcode symbol, which causes a reader to execute one of a plurality of file opening programs.

The newly cited reference to Luby (US 6307487 B1) discloses an encoder system for encoding a formatted file and a key into a symbol but is silent with respect to the key is a command entered via a user interface.

The prior art of records to Knowles et al; Antognini et al; Hashimoto et al; Barile et al; Luby and all other cited references, taken alone or in combination, fails to teach or fairly suggest the specific structure or the method of a symbol generator. The symbol generator comprises, among other things, a data input area facilitating entry of command data, encoding a formatted file into at least one symbol and encoding the command data into the at least one symbol as set forth in claim 13; a data input area receiving from a user information pertaining to a number of bar codes to encode as set forth in claim 47; encoding input information including destination directory designating a storage location for data produced by decoding of a symbol encoded by the symbol generator as set forth in claim 52; the second input area enabling a user to designate whether a file designated for encoding in said first data input area will be displayed at the time when a symbol encoding the file is read as set forth in claims 69 and 73; and encoding a command which causes a reader to execute one of a plurality of file opening programs as set forth in claim 77.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Luby (US 6307487 B1) is cited as of interest and illustrates a similar structure to a symbol generating system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Primary Examiner  
Art Unit 2876

October 27, 2007